FEE TRANSMITTAL Patent fices are subject to annual rovision Applicant claims small entity slatus. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT  (\$) 500  METHOD OF PAYMENT (check all that apply) Check Credit card Moray Order Other None			Complete if Known						
TRANSMITTAL  Patent less are subject to annual revision  Applicant claims small entity status. See 37 CFR 1.27  Total Assoults of Parvatert  (\$) 500  Attorney Docket No.  SC13240TP  METHOD OF PAYMENT (chock all that apply)  Chock Coredit and Money Order Other None  The Depoid Account Name Pappel Account Name Pappel Account Name Pappel Account Name Charge (see) Indicated below occupit for the Illing fee to the above-identified deposit account, accept for the Illing fee to the above-identified deposit account.  The Director is authorized the (chock all that apply)  Charge (see) indicated below, accept for the Illing fee to the above-identified deposit account.  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  Charge (see) indicated below, accept for the Illing fee to the above-identified deposit account.  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  Charge (see) indicated below, accept for the Illing fee to the above-identified deposit account.  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  Charge (see) indicated below, accept for the Illing fee to the above-identified deposit account.  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock all that apply)  The Director is authorized the (chock a	FEE		Application Number 10/811,461						
Patent fees are subject to annual revision Applicant claims small entity status. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT (\$) 500  METHOD OF PAYMENT (check all that apply)  TOTAL AMOUNT OF PAYMENT (check all that apply)  TOTAL AMOUNT OF PAYMENT (check all that apply)  The Check Corectic and Morey Order Other None  [X] Depost Account Name FREE SCALE Depost Account Name FREE SCALE SEMICONDUCTOR, INC.  The Director is authorized to: (check all that apply)  [X] Charge any additional feetily during the pendency of this application  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling fee to the above-identified dispost account.  [X] Charge feetjl indicated below, except for the filling feet to the filling fee	<u> </u>				March 26, 2004				
Applicant claims small entity status. See 37 CFR 1.27  TOTAL AMOUNT OF PAYMENT  (\$) 500  Attorney Docket No.  SC13240TP  METHOD OF PAYMENT (chock all that apply)  Check Credit card Money Order Other None  X Deposit Account Number FREESCALE  Entity Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Free Free Free  Code (\$) Code (\$) Survivage—sleep free free  Free Free Free  Free Free Free  Free Free	Patent fees are subject to annual revision								
Circuit Continued   Circuit Continued Continued Continued Continued Continued Continued Continued Continued Continued Contin	Applicant claims small entity status. See 37 CFR 1.27								
TOTAL_ABOUNT OF PAYMENT (check all that apply)   FEE CALCULATION (continued)									
METHOD OF PAYMENT (check all that apply)   SEE CALCULATION (continued)	TOTAL AMOUNT OF PAYMENT	(\$) 500	1						
Check Credit card Money Order Other None    Deposit Account Number	AROTHO BOOK								
Deposit Account Number   SISMICODIUCTOR, INC.									
Deposit Account Number   Deposit Number   Deposit Account Number   De	Check Credit card	Money Order Other	None						
Deposit Account Name    Charge lee(s) indicated below   Credit any overpayments	X Deposit Account:			Enti	ty	-			
The Director is authorized to: (check all that apply)    Charge fee(s) indicated below   X   Credit any overpayments   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   50   2092   25   Souchage - Idea filing fee or oath   1062   1063   1030   1030   1030   10	•							man Daniel Man	
The Director is authorized to: (Chock all first apply)  \[ \times	Deposit Account Name			Code	(\$)	Code	(\$)	Fee Description	
Charge leng(s) indicated below   Charge leng(s) indicated below   Charge leng(s) indicated below, except for the filling fee to the above-identified deposit account.   1912 2520 1812 2520   1812 2					120	2051	6e	Surchame - late lilion toe or noth	
Charge fees(s) indicated below, except for the filling fee to the above-identified deposal account.   1804 Se0* 1804 Se0* 1804 Se0* 1804 Se0* 1804 Se0* 1805 Senting a request for ex parts Recrusimation   1805 1804 Se0* 1804 Se0* 1804 Se0* 1804 Se0* 1804 Se0* 1804 Se0* 1805 Senting a request for expending patients of SRI after Bearing afficient afficient of SRI after Bearing afficient afficient of SRI after Bearing afficient afficien			vernavments					•	
Charge fee(s) indicated below, except for the Illing fee to the above-identified depost account.   1804   820*   1804   820*   1804   1805   1807   1807   1805   1807	Maide teals) universed perow	LA Viculally V	· o.pajmonto					Non-English specification	
Substitute   Section   S	X Charge any additional fee(s) d	uring the pendency of this ap	plication	1812	2520	1812	2520		
1. BASIC FILING FEE			o the	1804	920°	1804	920*		
1. BASIC FILING FEE	авоуе-пентиво пероза всковин.		1805	1840°	1805	1840*	. •		
1. BASIC FILING FEE	FEE CALCULATION		1				• •	<b>  </b>	
1. BASIC FILING FEE		·		4				• •	
Large Entity Small Entity   Entity   Entity   Extra   Fee from   Subtotal (1)   (5) 1000   1807   50								* *	$\vdash$
Large   Entity   Small   Entity   Fee	1. BASIC FILING FEE								
Fee   Fee   Fee   Fee   Fee   Fee   Gode   (\$)   Code   Code   (\$)   Code   (\$)   Code   Code   (\$)   Code   (\$)   Code   Code   (\$)   Code   Code   (\$)   Code   Co								• •	. 500
Code   (S)   Code   (S)   Fee Paid   1403   1000   2403   500   Request for can hearing   Patilina to institute a public use   Patilina to institute a public									300
1011   300   2011   150   Lility Bling fee   1451   1510	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	· ·	ee Paid					Request for oral hearing	
1311   200   2311   100   Utilay Exam lee   1452   110   2452   55   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2453   685   Petition to revive – unavoidable   1452   1370   2452	1011 300 2011 150	Utility filing fee					4540		
1002 300 2002 175 Design liting lee   1453 1370 2453 685 Petition to revive - unintentional   1603 550 2003 275 Plant filing tee   1501 1400 2501 700 Utility issue lee (or reissue)   1604 789 2004 395 Reissue filing tee   1501 1400 2501 700 Utility issue lee (or reissue)   1607 1400 2501 700 Utility issue lee (or reissue)   1608 1800 2501 300 Plant issue fee   1503 660 2503 330 Plant i									
1003   550   2004   275   Plant filing fee   1501   1400   2501   700   Uithly issue fee (or reissue)   1502   490   2502   245   Design issue fee   1502   490   2502   245   Design issue fee   1503   660   2503   330   Plant issue fee   1503   660   2503   330   Plant issue fee   1503   660   2503   330   Plant issue fee   1503   1460   130   1460   130   1460   130   Plant issue fee   1503   1460   130   1460   130   Plant issue fee   1503   1460   130   1460   130   Plant issue fee   1503   Plant issue fee   1503   1460   130   Plant issue fee   1604   1406   130   Plant issue fee   1604   1406   130   Plant issue fee   1604   1406   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   130   1460   13	1								
1503   200   2005   100   10	1	· · ·						•	
SUBTOTAL (1) (\$) 1000	1	· ·						•	
SUBTOTAL (1) (\$) 1000   1807   50   1807   50   Processing tee under 37 CFR 1.17(a)   1806   180   1806   180   Submission of IDS   1807   1806   180   Submission of IDS   1807   1806   180   Submission of IDS   1807   1806   180   Submission of IDS   1809   1	1005 200 2005 10	O Provisional tiling fee							
2. EXTRA CLAIM FEES  Previously Extra Fee from below Fee Paid  Total Claims	·	SUBTOTAL (1) (S) 100	0						
Total Claims Independent Claims	2 FYTRA CI AIM FEES					1806	180	Submission of IDS	
Total Ctaims		Extra Fee from	m	8021	40	8021	40		
Independent Clalms Independent Clalms Independent Clalms Independent Independent Clalms Independent Independent Clalms Independent Independent Clalms Independent Cla	Paid**	Claims below				0000	***		
Multiple Dependent  Large Entity Small Entity Fee		1 - V - 000	<b>₹</b> }───┤	1809	790	2809	442	•	
Multiple Dependent    Large   Entity   Small   Entity   Fee	mosperoem ciams	] - <u>[ 2</u>	J - []	1810	790	2810	395		
Fee Fee Fee Fee Fee Fee Fee Fee Fee Code (S) Code (S) Fee Description 1202 50 2202 25 Claims in excess of 20 1201 200 2201 100 Independent claims in excess of 3 1203 350 2203 180 Multiple dependent claims over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Reissue claim s in excess of 20 and over original patent 1205 18 2205 9 Registration No. Subtract (3) (S) 500 Request for expedited examination of a design application 1205 1802 900 180	Multiple Dependent	360	] =						
Code (S) Code (S) Fee Description  1202 50 2202 25 Claims in excess of 20  1201 200 2201 100 Independent claims in excess of 3  1203 360 2203 180 Multiple dependent claims in excess of 3  1204 88 2204 44 Reissue claim so in excess of 20 and over original patent  1205 18 2205 9 Reissue claim so in excess of 20 and over original patent  SUBTOTAL (2) (S)  "**or number previously paid, if greater, For Reissues, see above.  SUBMITTED BY  Name (Print/Type) Kim-Marie Vo  Registration No. 50,714 Telephone (512) 996-6839	Large Entity Small Entity			1801	790	2801	395		
1201 200 2201 100 Independent claims in excess of 3 1203 360 2203 180 Multiple dependent claims in excess of 3 1204 88 2204 44 * Reissue independent claims over original patent 1205 18 2205 9 *Reissue claim s in excess of 20 and over original patent  SUBTOTAL (2) (\$)  **Or number previously paid, if greater, For Reissues, see above.  SUBMITTED BY  Name (Print/Type)  Kim-Marie Vo  Registration No. 50,714 Telephone (512) 996-6839	Code (\$) Code (\$)		tion	1802	900	1802	900	Request for expedited examination	
1203 360 2203 180 Multiple dependent claim, if not pald 1204 88 2204 44 Reissue independent claims over original patent 1205 18 2205 9 Reissue claim 1205 18 2205 9 Reissue claim 1206 18 2205 9 Reissue claim 1207 SUBTOTAL (2) (S) 10 Reduced by Basic Filing Fee Paid  SUBTOTAL (3) (S) 500  SUBMITTED BY  Name (Print/Type) Kim-Marie Vo  Registration No. 50,714 Telephone (512) 996-6839			3	Other te	e (specify)			or a design application	
1204 88 2204 44 * Reissue independent claims over original patent  1205 18 2205 9 *Reissue claim s in excess of 20 and over original patent  SUBTOTAL (2) (\$)  **or number previously paid, if greater, For Reissues, see above.  SUBMITTED BY  Name (Print/Type) Kim-Marie Vo  Registration No. 50,714 Telephone (512) 996-6839		Multiple dependent claim, if not p	aid	7,10,10					
SUBTOTAL (2) (\$)  "or number previously paid, if greater, For Reissues, see above.  SUBMITTED BY  Name (Print/Type)  Kim-Marie Vo  Registration No. 50,714  Telephone  (512) 996-6839									
SUBTOTAL (2) (\$)  "or number previously paid, il greater, For Reissues, see above.  *Reduced by Basic Filing Fee Paid  Compiate (if applicable)  Name (Print/Type)  Kim-Marie Vo  Registration No. 50,714  Telephone  (512) 996-6839	1205 18 2205 9		al patent				-		
"** Or number previously paid, if greater, For Reissues, see above.  **Reduced by Basic Filing Fee Paid  **Complete (if applicable)  **Reduced by Basic Filing Fee Paid  **Complete (if applicable)  **Name (Print/Type)  **Reduced by Basic Filing Fee Paid  **Complete (if applicable)  **Reduced by Basic Filing Fee Paid  **Complete (if applicable)  **Reduced by Basic Filing Fee Paid  **Complete (if applicable)  **Reduced by Basic Filing Fee Paid								SUBTOTAL (3) (\$) 500	
Name (Prin/Type) Kim-Marie Vo Registration No. 50,714 Telephone (512) 996-6839				• Redu	ced by Ba	sic Filing	g Fee Pai	, , , , , , , , , , , , , , , , , , , ,	
Name (Print/Type) Kim-Marie Vo Registration No. 50,714 Telephone (512) 996-6839	SUBMITTED BY			1	Complate (if applicable)				
1/ M - / (N// N/)				Registration No.   50,714   Telephone / (512) 996-6839					
		1-/-	WAYO				1	11/10/01	,



# RECEIVED CENTRAL FAX CENTER

APR 10 2006

#### FAX TRANSMITTAL SHEET

Freescale Semiconductor, Inc.

Law Department 7700 W. Parmer Lane MD: TX32/PL02 Austin, TX 78729

Telephone:

(512) 996-6839

Facsimile:

(512) 996-6854

9

Number of Pages (including this page)

Date:

April 10, 2006

To:

Richard A. Booth - 2812

Location:

United States Patent and Trademark Office

Fax No.:

(571) 273-8300

From:

Kim-Marie Vo - 50,714

Subject:

10/811,461 - Marius K. Orlowski, et al. - SC13240TP

NOTICE: This facsimile transmission may contain information that is confidential, privileged, or exempt from disclosure under applicable law. It is intended only for the person to whom it is addressed. Unauthorized use, disclosure, copying or distribution may expose you to legal liability. If you have received this transmission in error, please immediately notify us by telephone (collect) to arrange for return of the documents received and any copies made. Thank you.

#### MESSAGE:

Enclosed herewith, please find a FORMAL AMENDMENT for filing in the below-identified application.

ALLUE	MS MARKED WITH A	AN "X" ARE INCLUDED:	
1.		csimile Cover Sheet	
2.	x 1 page Noti	tice of Appeal (in duplicate)	
3.	x 1 page Fee	e Transmittal (in duplicate)	
4.	x 1 page Pre-	-Appeal Brief Request For Review	
5.	x 3 page Pre-	e-Appeal Brief Statement	
Paid		Accounty 503079. Freescale Semiconductor, In	10. /

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE:

Date hOna You

#### PLEASE GIVE THESE PAPERS TO:

EXAMINER: Richard A. Booth GROUP ART UNIT: 2812 SERIAL NO.: 10/811,461 FILED: MARCH 26, 2004

Inventor: Marius K. Orlowski, et al.

## CENTRAL FAX CENTER

Doc Code: AP.PRE.REQ

### APR 10 2006

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx U.S. Patent and Trademark Office; US DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a c	ollection of t	Docket Numbe		
PRE-APPEAL BRIEF REQUEST FOR REVIE			er (Optionar)	
LUE-WELEVE DUITE DEGLEST LOU BEAT	**	SC13240TP		
I hereby certify that this correspondence is being deposited with the	Applica	tion Number	Filed	
United States Postal Service with sufficient postage as first class mail in				
an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450* [37 CFR 1.8(a)]	10/811,	461	March 26, 2004	
^				
on Upril 10, 2006 Signature Was Chidgins	First Na	med Inventor		
MAN (He days a	Marius	K. Orlowski		
Signature NUM Skudikin	Art Unit		Examiner	
Typed or printed	Art Onli		Examiner	
nameDora Hudgins			Richard A. Booth	
	<u> </u>			
Applicant required various of the final rejection in the charge id	ontified	application Ma	amondments are	
Applicant request review of the final rejection in the above id being filed with this request.	en mileo	application. IN	omenuments are	
being med with this request.				
This request is being filed with a notice of appeal.				
Time requests being mea man a new or appears				
The review is requested for the reason(s) stated on the attac	ched she	et(s).		
Note: No more than five (5) pages may be provided.	•			
			A ,	
		11		
I am the		1/2 -1		
applicant/inventor.	,	1/4/11/11/11	$Y \cap V \cap V$	
application vertical.		100	Capplo	
	1	Signa	ture	
assignee of record of the entire interest.	1	_		
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose	ed.	Kim-Marie	Vo	
	ed.	Kim-Marie		
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)	ed.	Kim-Marie	Vo	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record.	ed.	Kim-Marie Typed or p	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)	ed.	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record.	<i>[</i> ~	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record.  Registration number 50,714	€	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record.	€	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record. Registration number 50,714  attorney or agent acting under 37 CFR 1.34	€	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record.  Registration number 50,714	€.	Kim-Marie Typed or p (512) 996-683	Vo printed name	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record. Registration number 50,714  attorney or agent acting under 37 CFR 1.34  Registration number if acting under 37 CFR 1.34		Kim-Marie Typed or p (512) 996-683 Telephor	Vo printed name 9 ne number	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  Attorney or agent of record.  Registration number 50,714  attorney or agent acting under 37 CFR 1.34  Registration number if acting under 37 CFR 1.34  NOTE: Signatures of all the inventors or assignees of record of the entire		Kim-Marie Typed or p (512) 996-683 Telephor	Vo printed name 9 ne number	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclose (Form PTO/SB/96)  attorney or agent of record. Registration number 50,714  attorney or agent acting under 37 CFR 1.34  Registration number if acting under 37 CFR 1.34		Kim-Marie Typed or p (512) 996-683 Telephor	Vo printed name 9 ne number	

★Total of \_\_\_\_\_\_\_ forms are submitted

The collection of information is required by 35 U.S.C. 132. The information is required to obtain of retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality if governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SC13240TP

#### UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)

Marius K. Orlowski, et al.

GROUP ART UNIT: 2812

APPLN. NO.:

10/811,461

EXAMINER: Richard A. Booth

FILED:

March 26, 2004

TITLE:

METHOD FOR FORMING A SEMICONDUCTOR DEVICE HAVING A

NOTCHED CONTROL ELECTRODE AND STRUCTURE THEREOF

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office.

on upril 10, 2006

Signature

Dora Hudgins

Printed Name of Person Signing Certificate

#### PRE-APPEAL BRIEF STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated March 31, 2006, and Examiner's comments with regard thereto, please enter the following Pre-Appeal Brief Statement in the above-entitled application, without prejudice or disclaimer.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

SC13240TP

#### REMARKS

Claims 16-30 are pending and are under final rejection. There are two issues over which Applicants and the Examiner disagree. Applicants will address the Examiner's response to these issues below.

#### First Issue

Applicants submit Mansoori fails to teach or suggest "forming a first patterned conductive layer...," "forming a second patterned conductive layer...," and "selectively removing portions of the first and second patterned conductive layers..." because Mansoori patterns or selective removes portions of elements 1610 and 1620 but does not do both. (More details as to this argument are provided in Applicants' previous response.)

The Examiner contends, "...the limitation is shown since a single process step can be broken up into an infinite number of smaller process steps and therefore this process step can be represented by an intermediate figure between figures 19 and 20." Thus, the Examiner submits that although Mansoori's text and figures fail to teach or suggest all features of Applicants' claims, because Mansoori teaches process steps one can, without teaching or motivation from Mansoori or another reference, infer that Mansoori teaches or suggests other process steps that Mansoori is silent as to. Applicants fail to see where this is cited in the MPEP or where this has become law.

Instead, the MPEP and the law go against the Examiner's position. The Examiner's position improperly reads limitations out of the claims. More specifically, the Examiner's is reading the phrase "patterned" out of the phrases "first patterned conductive layer" and "second patterned condutive layer" or alternatively, is ignoring the phrase "selectively removing portions of the first and second patterned condutive layers." This is improper. MPEP 2143.03 adressed this issue and states,

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

SC13240TP

#### Second Issue

Applicants submit Mansoori also fails to teach or suggest, "wherein after selectively removing portions of the first and second patterned conductive layers, the first and second patterned conductive layers have lengths that are substantially equal." The Examiner and Applicants agree that in the cross-sections shown elements 1610 and 1620 do not have substantially equal lengths. However, the Examiner contends that elements 1610 and 1620 do have substantially equal lengths in the dimention into the page. Applicants fail to see where Mansoori teaches or suggests this. In contrast, Mansoori teaches that the "layer 1610 will etch faster than the other layers due to an enhanced sensitivity to an etchant." (See paragrpah [0056].) Therefore, layer 1610 will not have the same dimensions as other layers, such as layer 1620. Furthermore, Mansoori fails to teach or suggest that the dimension into the page is not etched for the layers 1610 and 1620. Therefore, Mansoori fails to teach that layers 1610 and 1620 have lengths that are substantially equal.

Please contact Applicant's practitioner listed below if there are any issues that can be resolved by telephone.

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.

Law Department

Customer Number: 23125

By:

Kim-Marie Vo Attorney of Record

Respectfully submitted,

Reg. No.: 50,714

Telephone: (512) 996-6839

Fax No.: (512) 996-6854